Robert P. Huckaby, CA Bar #97633
3330 Lake Tahoe Blvd. #10
South Lake Tahoe, CA 96150
Tel (530) 544-4697
Fax (530) 544-7760
Email: bobhuckaby@aol.com

ATTORNEY FOR DEFENDANT,
CALVIN YEAGER, VALLEY PIZZA INC.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

| | |
|---|---|
| DOMINO'S PIZZA FRANCHISING LLC, et al, Plaintiff, v. CALVIN YEAGER, et al, Defendant. | CASE NO. 3:10-CV-560-HDM-RAM<br>OPPOSITION TO MOTION TO ENFORCE JUDGMENT<br>Date: July 21, 2011<br>Time: 12:00 pm<br>Court: 4, Judge McKibben |

Defendant CALVIN YEAGER hereby opposes the Motion to Enforce Judgment by plaintiffs herein as follows.

1. Pursuant to the court's ruling and order on June 21, 2011, the only person served by plaintiff with this Motion was VALLEY PIZZA INC. (see docket 32). The Notice of Electronic Filing served with the Motion was the court's minutes of proceedings on November 17, 2010, which was vacated by the Order of this court on June 21, 2011.

2. Plaintiffs did not serve any Notice of Hearing related to this Motion at this time.

3. The Final Judgment which plaintiff is trying to enforce was solely against defendants CALVIN YEAGER, VALLEY PIZZA INC. and LAKESIDE PIZZA INC. There were no other parties defendant in that action, and the court has no jurisdiction in that matter against any other party or person, therefore the Nevada court cannot enforce that judgment against any other person.

4. VALLEY PIZZA INC. was dissolved with the Nevada Secretary of State on 10/27/10 (Exhibit A), and all assets, if any, distributed to its sole owner, Calvin Yeager.

5. LAKESIDE PIZZA INC. was dissolved with the California Secretary of State on 10/25/10 (Exhibit B) , and all assets, if any, distributed to its sole owner, Calvin Yeager.

6. Any asset of Calvin Yeager is protected by the Bankruptcy Court's Order for Discharge on March 9, 2011 (Exhibit C).

7. The Injunction Order dated 1/25/10, plaintiff's Exhibit 1, is an interlocutory order and was superseded by the Final Judgment dated 5/4/10. The Final Judgment does not name any other person against which it may be enforced, and any reference to continuing the prior injunction is vague and unenforceable against anyone except the named defendants.

8. Plaintiffs have not introduced any admissible evidence that Matthew Matlock or Melissa Yeager are an agent or stakeholder of the named judgment defendants, therefore FRCivP Rule 70 and Rule 71 do not apply to them. Further, neither of them were served with process nor this Motion, and they are not a party herein.

9. Filed herewith is the Declaration of Calvin Yeager stating that he sold the business assets of VALLEY PIZZA INC. to Corey Reier, and sold the business telephone number to Matthew Matlock, both for valuable consideration.

10. Corey Reier set up a corporation Reier Enterprises Inc. to operate the pizza business in Gardnverville, for which he filed the fictitious business name "Pronto Pizza" with Douglas County, Nevada (Exhibit D).

11. Domino's did not have any recorded notice to third parties that the assets of the businesses owned and operated by Calvin Yeager or his corporations were restricted from transfer, therefore Corey Reier and Matthew Matlock were bonafide purchasers for value without notice, and Domino's has no enforceable claim against the property they bought from Calvin Yeager.

12. In this case, either the business assets and telephone number were sold, and therefore owned by someone else and not subject to enforcement of the judgment against the named defendants, or they were property of Calvin Yeager protected by his bankruptcy. Either

way, none of that is subject to recovery by plaintiff under this Motion for Enforcement of Judgment.

Respectfully submitted,

Dated: July 18, 2011

/s/ Robert P. Huckaby

______________________________

Robert P. Huckaby,
Attorney for defendants

## CERTIFICATE OF SERVICE

A true and correct copy of the foregoing was served on the concerned parties by first class mail, postage prepaid, addressed as follows:

Lance P. Maiss
Armstrong Teasdale LLP
50 West Liberty St 950
Reno, NV 89501

Dated: July 18, 2011

/s/ Robert P. Huckaby

______________________________

Robert P. Huckaby

# EXHIBIT A

*130202*

**ROSS MILLER**
**Secretary of State**
**204 North Carson Street, Suite 1**
**Carson City, Nevada 89701-4520**
**(775) 684-5708**
**Website: www.nvsos.gov**

| Filed in the office of | Document Number 20100814710-74 |
|---|---|
| [signature] Ross Miller Secretary of State State of Nevada | Filing Date and Time 10/27/2010 1:14 PM |
| | Entity Number E0759922008-8 |

# Certificate of Dissolution
(PURSUANT TO NRS 78.580)

**USE BLACK INK ONLY - DO NOT HIGHLIGHT** **ABOVE SPACE IS FOR OFFICE USE ONLY**

## Certificate of Dissolution
## For a Nevada Profit Corporation
## Before or After Issuance of Stock and After Beginning of Business
## (Pursuant to NRS 78.580)

1. Name of corporation:

VALLEY PIZZA INC.

2. The resolution to dissolve said corporation has been approved by the directors or both the directors and stockholders as provided in NRS 78.580(1) and (2). The names and addresses of the **president, secretary, treasurer and all directors*** are:

| | |
|---|---|
| CALVIN YEAGER | PO BOX 18405, SO LAKE TAHOE, CA 96151 |
| Name of **president** | Address |
| CALVIN YEAGER | PO BOX 18405, SO LAKE TAHOE, CA 96151 |
| Name of **secretary** | Address |
| CALVIN YEAGER | PO BOX 18405, SO LAKE TAHOE, CA 96151 |
| Name of **treasurer** | Address |
| NONE | |
| Name of **director** | Address |
| | |
| Name of **additional director, if any** | Address |

3. Effective date of dissolution: (optional) 10/25/10

(must not be later than 90 days after the certificate is filed)

4. Signature: (required)

X [signature] 10/25/10

**Signature of Officer** Date

*attach a plain 8 1/2" x 11" sheet to list additional directors.

**FILING FEE: $100.00**

**IMPORTANT:** Failure to include any of the above information and submit with the proper fees may cause this filing to be rejected.

*This form must be accompanied by appropriate fees.*

# EXHIBIT B

California Secretary of State Debra Bowen

**Business Entities (BE)**

Online Services
- **Business Search**
- **Disclosure Search**
- **E-File Statements**
- **Processing Times**

**Main Page**

**Service Options**

**Name Availability**

**Forms, Samples & Fees**

**Annual/Biennial Statements**

**Filing Tips**

**Information Requests**
(certificates, copies & status reports)

**Service of Process**

**FAQs**

**Contact Information**

Resources
- **Business Resources**
- **Tax Information**
- **Starting A Business**
- **International Business Relations Program**

**Customer Alert**
(misleading business solicitations)

## Business Entity Detail

Data is updated weekly and is current as of Friday, July 15, 2011. It is not a complete or certified record of th

| | |
|---|---|
| **Entity Name:** | LAKESIDE PIZZA, INC. |
| **Entity Number:** | C1991374 |
| **Date Filed:** | 10/10/1996 |
| **Status:** | DISSOLVED |
| **Jurisdiction:** | CALIFORNIA |
| **Entity Address:** | POST OFC BOX 18405 |
| **Entity City, State, Zip:** | SOUTH LAKE TAHOE CA 96151 |
| **Agent for Service of Process:** | UNITED STATES CORPORATION COMPANY |
| **Agent Address:** | 2730 GATEWAY OAKS DR STE 100 |
| **Agent City, State, Zip:** | SACRAMENTO CA 95833 |

* Indicates the information is not contained in the California Secretary of State's database.

- If the status of the corporation is "Surrender," the agent for service of process is automatically revoked. Corporations Code **section 2114** for information relating to service upon corporations that have surrend
- For information on checking or reserving a name, refer to **Name Availability**.
- For information on ordering certificates, copies of documents and/or status reports or to request a more **Information Requests**.
- For help with searching an entity name, refer to **Search Tips**.
- For descriptions of the various fields and status types, refer to **Field Descriptions and Status Definiti**

**Modify Search** **New Search** **Printer Friendly** **Back to Search Results**

**Privacy Statement** | **Free Document Readers**

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DISS STK

# State of California
## Secretary of State

## DOMESTIC STOCK CORPORATION CERTIFICATE OF DISSOLUTION

**There is no fee for filing a Certificate of Dissolution.**

**IMPORTANT – Read instructions before completing this form.**

This Space For Filing Use Only

**CORPORATE NAME** (Enter the name of the domestic stock corporation exactly as it is of record with the California Secretary of State.)

1. Name of Corporation
LAKESIDE PIZZA INC

**REQUIRED STATEMENTS** (The following statements should not be altered.)

2. a) A final franchise tax return, as described by Section 23332 of the Revenue and Taxation Code, has been or will be filed with the Franchise Tax Board, as required under Part 10.2 (commencing with Section 18401) of Division 2 of the Revenue and Taxation Code.
b) The corporation has completely wound up.
c) The corporation is dissolved.

**DEBTS & LIABILITIES** (Check the applicable statement. Note: Only one box may be checked.)

3. ☐ The corporation's known debts and liabilities have been actually paid.
☑ The corporation's known debts and liabilities have been paid as far as its assets permitted.
☐ The corporation's known debts and liabilities have been adequately provided for by their assumption and the name and address of the assumer is ______________________.
☐ The corporation's known debts and liabilities have been adequately provided for as far as its assets permitted.
(Specify in an attachment to this certificate (incorporated herein by this reference) the provision made and the address of the corporation, person or governmental agency that has assumed or guaranteed the payment, or the name and address of the depositary with which deposit has been made or other information necessary to enable creditors or others to whom payment is to be made to appear and claim payment.)
☐ The corporation never incurred any known debts or liabilities.

**ASSETS** (Check the applicable statement. Note: Only one box may be checked.)

4. ☑ The known assets have been distributed to the persons entitled thereto.
☐ The corporation never acquired any known assets.

**ELECTION** (Check the "YES" or "NO" box, as applicable. Note: If the "NO" box is checked, a Certificate of Election to Wind Up and Dissolve pursuant to Corporations Code section 1901 must be filed prior to or together with this Certificate of Dissolution.)

5. The election to dissolve was made by the vote of all the outstanding shares. ☑ YES ☐ NO

**VERIFICATION & EXECUTION** (If additional signature space is necessary, the dated signature(s) with verification(s) may be made on an attachment to this certificate. Any attachments to this certificate are incorporated herein by this reference.)

6. The undersigned constitute(s) the sole director or a majority of the directors now in office. I declare under penalty of perjury under the laws of the State of California that the matters set forth in this certificate are true and correct of my own knowledge.

| Signature of Director | Date | Type or Print Name of Director |
|---|---|---|
| [signature] | 10/25/10 | CALVIN YEAGER |
| | | |
| | | |

# EXHIBIT C

# UNITED STATES BANKRUPTCY COURT
## Eastern District of California

**Robert T Matsui United States Courthouse**
**501 I Street, Suite 3−200**
**Sacramento, CA 95814**

(916) 930−4400
www.caeb.uscourts.gov
M−F 9:00 AM − 4:00 PM

**FILED**

**3/9/11**

CLERK, U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

maws

## DISCHARGE OF DEBTOR

**Case Number:** 10−50416 − B − 7

**Debtor Name(s), Social Security Number(s), and Address(es):**

CALVIN THOMAS YEAGER JR
xxx−xx−9339

PO Box 18405
South Lake Tahoe, CA 96151

It appearing that the debtor is entitled to a discharge,

**IT IS ORDERED:**

The debtor is granted a discharge under section 727 of title 11, United States Code, (the Bankruptcy Code).

**SEE THE BACK OF THIS ORDER FOR IMPORTANT INFORMATION.**

Dated:
3/9/11

For the Court,
Wayne Blackwelder , Clerk

FORM L55
(Continued)

# EXPLANATION OF BANKRUPTCY DISCHARGE IN A CHAPTER 7 CASE

This court order grants a discharge to the person (or persons) named as the debtor (or debtors). It is not a dismissal of the case and it does not determine how much money, if any, the trustee will pay to creditors.

## Collection of Discharged Debts Prohibited

The discharge prohibits any attempt to collect from the debtor a debt that has been discharged. For example, a creditor is not permitted to contact a discharged debtor by mail, phone, or otherwise, to file or continue a lawsuit, to attach wages or other property, or to take any other action to collect a discharged debt from the debtor. In a case involving community property, there are also special rules that protect certain community property owned by the debtor's spouse, even if that spouse did not file a bankruptcy case. A creditor who violates this order can be required to pay damages and attorney's fees to the debtor.

However, a creditor may have the right to enforce a valid lien, such as a mortgage or security interest, against the debtor's property after the bankruptcy, if that lien was not avoided or eliminated in the bankruptcy case. Also, a debtor may voluntarily pay any debt that has been discharged.

## Debts That are Discharged

The chapter 7 discharge order eliminates a debtor's legal obligation to pay a debt that is discharged. Most, but not all, types of debts are discharged if the debt existed on the date the bankruptcy case was filed. If this case was begun under a different chapter of the Bankruptcy Code and converted to chapter 7, the discharge applies to debts owed when the bankruptcy case was converted.

## Debts that are Not Discharged

Some of the common types of debts which are not discharged in a chapter 7 bankruptcy case are:

a. Debts for most taxes;
b. Debts incurred to pay nondischargeable taxes (in a case filed on or after October 17, 2005);
c. Debts that are domestic support obligations;
d. Debts for most student loans;
e. Debts for most fines, penalties, forfeitures, or criminal restitution obligations;
f. Debts for personal injuries or death caused by the debtor's operation of a motor vehicle, vessel, or aircraft while intoxicated;
g. Some debts which were not properly listed by the debtor;
h. Debts that the bankruptcy court specifically has decided or will decide in this bankruptcy case are not discharged;
i. Debts for which the debtor has given up the discharge protections by signing a reaffirmation agreement in compliance with the Bankruptcy Code requirements for reaffirmation of debts; and
j. Debts owed to certain pension, profit sharing, stock bonus, other retirement plans, or to the Thrift Savings Plan for federal employees for certain types of loans from these plans (in a case filed on or after October 17, 2005).

**This information is only a general summary of the bankruptcy discharge. There are exceptions to these general rules. Because the law is complicated, you may want to consult an attorney to determine the exact effect of the discharge in this case.**

United States Bankruptcy Court
Eastern District of California

In re:
CALVIN THOMAS YEAGER
Debtor

Case No. 10-50416-B
Chapter 7

# CERTIFICATE OF NOTICE

District/off: 0972-2 User: maws Page 1 of 2 Date Rcvd: Mar 09, 2011
Form ID: L55 Total Noticed: 51

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 11, 2011.

db +CALVIN THOMAS YEAGER, JR, PO Box 18405, South Lake Tahoe, CA 96151-8405
aty +Robert P. Huckaby, 3330 Lake Tahoe Blvd #10, South Lake Tahoe, CA 96150-7911
tr Douglas M. Whatley, PO Box 538, Folsom, CA 95763-0538
cr J.P. Morgan Chase, N.A., c/o Biana Hamady, PO Box 80908, Rochester Hills, MI 48308-0908
18157879 +AMS Servicing LLC, 3374 Walden Ave 120, Depew NY 14043-2437
18157880 +AT T, PO Box 9039, South San Francisco CA 94083-9039
18157881 +AVT Financial, 63 Via Pico Plaza 544, San Clemente CA 92672-3998
18157878 +Advanta, 625 W Ridge Pike, Bldg E 100 105, Conshohocken PA 19428-1180
18157883 Bank of America Home Loans, PO Box 5170, Simi Valley CA 93062-5170
18157884 +Barton HealthCare System, 2170 South Avenue, South Lake Tahoe CA 96150-7026
18157885 CA State Board of Equalization, Account Analysis Control MIC 29, PO Box 942879, Sacramento CA 94279-0001
18157886 +Calvin Yeager Sr, 845 Jones Creek Rd, Bradfordsville KY 40009-8524
18157888 +Chad Stamper, 1850 Normuck St, South Lake Tahoe CA 96150-5348
18157891 CitiMortgage Inc, PO Box 9438, Gathersburg MD 20898-9438
18157893 Domino s Pizza, c o Quentin Wittrock, 80 So Eighth St, Minneapolis MN 55402-3796
18157894 +Don Heldoorn, 1548 Snow Mountain Dr, South Lake Tahoe CA 96150-5510
18157895 +El Dorado County, 360 Fair Lane, Placerville CA 95667-4103
18157896 Encore Receivable Management, PO Bax 3330, Olathe KS 66063-3330
18157897 +Fidelity Communications Corp, 41252 Vincenti Court, Novi MI 48375-1925
18157898 +Fidelity Communications Corp, 41252 Vincenti Ct, Novi MI 48375-1925
18157899 +First Data Global Leasing, PO Box 173845, Denver CO 80217-3845
18157901 +Gilbert Mesa, PO Box 18405, South Lake Tahoe CA 96151-8405
18157902 +J L Teamworks, 651 N Cherokee Ln B2, Lodi CA 95240-4267
18157903 +Jericho Enterprises, 7754-A Balboa Blvd, Van Nuys CA 91406-2261
18157904 +Jim Alice Moore, 6802 Jardines Dr, Huntington Beach CA 92647-6629
18157905 +Joel Korotkin, 707 Commons Dr, Sacramento CA 95825-6600
18157906 Keybank Natl Assn, PO Box 94968, Cleveland OH 44101-4968
18157907 +Lakeside Pizza Inc, PO Box 18405, South Lake Tahoe CA 96151-8405
18157908 +Lance P Maiss, Armstrong Teasdale LLP, 50 W Libert St 950, Reno NV 89501-1979
18157909 +Nevada Department of Taxation, 1550 College Parkway, Carson City NV 89706-7939
18157911 +Pronto Pizza Inc, PO Box 18405, South Lake Tahoe CA 96151-8405
18157912 +Reier Enterprises Inc, 1709 Nadowa St, South Lake Tahoe CA 96150-5801
18157915 +STPUD, 1275 Meadow Crest Dr, South Lake Tahoe CA 96150-7400
18157913 +Sean Reier, 1447 Pear Pad Rd, Monteo NC 27954-9464
18157914 Shell Credit Card Center, Citibank South Dakota NA, PO Box 689151, Des Moines IA 50368-9151
18157916 SuperMedia LLC, PO Box 619009, DFW Airport TX 75261-9009
18436014 +U.S. Bankcorp Equipment Finance, Inc., US Bankcorp Manifest Funding Services, Attn: Bkey Dept, 1450 Channel Pkwy, Marshall MN 56258-4005
18157918 ++US BANK, PO BOX 5229, CINCINNATI OH 45201-5229
(address filed with court: US Bank, P O Box 6335, Fargo ND 58125-6335)
18157919 +Valley Pizza Inc, PO Box 18405, South Lake Tahoe CA 96151-8405
18475029 +Yellow Book Sales and Distribution, Company, Inc. (MPM), RMS Bankruptcy Recovery Services, PO Box 5126, Timonium MD 21094-5126
18157920 Yellowbook, PO Box 3162, Cedar Rapids IA 52406-3162

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

tr EDI: BDMWHATLEY.COM Mar 10 2011 01:23:00 Douglas M. Whatley, PO Box 538, Folsom, CA 95763-0538
smg EDI: CALTAX.COM Mar 10 2011 01:23:00 Franchise Tax Board, PO Box 2952, Sacramento, CA 95812-2952
cr EDI: RECOVERYCORP.COM Mar 10 2011 01:23:00 CAPITAL RECOVERY IV, LLC, c/o Recovery Management Systems Corp., Attn: Ramesh Singh, 25 SE 2nd Ave #1120, Miami, FL 33131-1605
18157882 EDI: BANKAMER.COM Mar 10 2011 01:23:00 Bank of America, PO Box 15026, Wilmington DE 19850-5026
18157887 EDI: CAPITALONE.COM Mar 10 2011 01:23:00 Capital One, PO Box 30285, Salt Lake City UT 84130-0285
18157889 EDI: CHASE.COM Mar 10 2011 01:23:00 Chase Cardmember Services, PO Box 15298, Wilmington DE 19850-5298
18157890 EDI: CITICORP.COM Mar 10 2011 01:23:00 Citi Cards, Box 6000, The Lakes NV 89163-6000
18157892 EDI: DISCOVER.COM Mar 10 2011 01:23:00 Discover Card, PO Box 30943, Salt Lake City UT 84130
18157900 EDI: CALTAX.COM Mar 10 2011 01:23:00 Franchise Tax Board, Bankruptcy Unit, PO Box 2952, Sacramento CA 95812-2952
18157910 +EDI: PINNACLE.COM Mar 10 2011 01:23:00 Pinnacle Financial Group, 7825 Washington Ave S 310, Minneapolis MN 55439-2424
18157917 +E-mail/Text: BANKRUPTCYNOTICE@CSCINFO.COM Mar 10 2011 01:27:54 The Company Corporation, 2711 Centerville Rd, Wilmington DE 19808-1646

TOTAL: 11

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

***** BYPASSED RECIPIENTS (continued) *****

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

**Date: Mar 11, 2011** **Signature:** Joseph Speetjens

EXHIBIT D

FFN # 009569

FILED
009569
2010 FEB -9 PM 3:11

CERTIFICATE OF BUSINESS: FICTITIOUS FIRM NAME

***VALID FOR 5 YEARS FROM FILING DATE***

THE UNDERSIGNED do hereby certify that they are conducting a PIZZA SALES & DELIVERY business at 1281 KIMMERLING LANE
GARDNERVILLE, 89460 775-265-2929
** New Filing ___ OR Renewal/Date Established 2010/02/09**

Under the fictitious name of PRONTO PIZZA
and that said firm is composed of the following persons whose names and addresses are as follows, to wit:

(1) REIER ENTERPRISES, C REIER
P.O. BOX 18405
SOUTH LAKE TAHOE, CA 96151

(2) REIER, COREY
P.O. BOX 18405
SOUTH LAKE TAHOE, CA 96151

(3) ____

(4) ____

WITNESS ___ hand ___ this 9th day of February, 2010

(1) ____

(2) ____

(3) ____

(4) ____

STATE OF NEVADA
ss.
COUNTY OF DOUGLAS

On this 9th day of February AD., two thousand and ten, before me TED THRAN-CLERK/TREASURER a Notary Public in and for the County of Douglas, State of Nevada personally appeared C REIER REIER ENTERPRISES, AND COREY REIER known (or proved) to me to be the persons described in and who executed the foregoing instrument, who acknowledged to me that they executed the same, freely and voluntarily, and for the uses and purposed therein mentioned.

IN WITNESS THEREOF, I have hereunto set my hand and affixed my Official Seal to the day and year in this Certificate first above written.

TED THRAN
COUNTY CLERK IN AND FOR SAID COUNTY AND STATE

BY: ____
DEPUTY CLERK

ORD NO 2001-985